

Senate File 2242

H-8276

1 Amend Senate File 2242, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 1 through 9 and  
4 inserting:

5 <Section 1. Section 232.95, subsection 2, paragraph  
6 a, subparagraph (1), Code 2011, is amended to read as  
7 follows:

8 (1) If removal is ordered, the court must, in  
9 addition, make a determination that continuation of  
10 the child in the child's home would be contrary to the  
11 welfare of the child, and that reasonable efforts, as  
12 defined in section 232.102, have been made to prevent  
13 or eliminate the need for removal of the child from  
14 the child's home. In determining the welfare of the  
15 child, the court shall first consider the stability of  
16 the child's home.

17 Sec. 2. Section 232.96, subsection 10, paragraph a,  
18 Code 2011, is amended to read as follows:

19 a. A determination that continuation of the child  
20 in the child's home would be contrary to the welfare of  
21 the child, and that reasonable efforts, as defined in  
22 section 232.102, have been made to prevent or eliminate  
23 the need for removal of the child from the child's  
24 home. In determining the welfare of the child, the  
25 court shall first consider the stability of the child's  
26 home. The court's determination regarding continuation  
27 of the child in the child's home, and regarding  
28 reasonable efforts, including those made to prevent  
29 removal and those made to finalize any permanency plan  
30 in effect, as well as any determination by the court  
31 that reasonable efforts are not required, must be  
32 made on a case-by-case basis. The grounds for each  
33 determination must be explicitly documented and stated  
34 in the court order. However, preserving the safety of  
35 the child is the paramount consideration. If imminent  
36 danger to the child's life or health exists at the  
37 time of the court's consideration, the determinations  
38 otherwise required under this paragraph shall not be a  
39 prerequisite for an order for temporary removal of the  
40 child.

41 Sec. 3. Section 232.102, subsection 5, paragraph b,  
42 Code 2011, is amended to read as follows:

43 b. In order to transfer custody of the child under  
44 this subsection, the court must make a determination  
45 that continuation of the child in the child's home  
46 would be contrary to the welfare of the child, and  
47 shall identify the reasonable efforts that have been  
48 made. In determining the welfare of the child, the  
49 court shall first consider the stability of the child's  
50 home. The court's determination regarding continuation

1 of the child in the child's home, and regarding  
2 reasonable efforts, including those made to prevent  
3 removal and those made to finalize any permanency plan  
4 in effect, as well as any determination by the court  
5 that reasonable efforts are not required, must be  
6 made on a case-by-case basis. The grounds for each  
7 determination must be explicitly documented and stated  
8 in the court order. However, preserving the safety of  
9 the child is the paramount consideration. If imminent  
10 danger to the child's life or health exists at the  
11 time of the court's consideration, the determinations  
12 otherwise required under this paragraph shall not  
13 be a prerequisite for an order for removal of the  
14 child. If the court transfers custody of the child,  
15 unless the court waives the requirement for making  
16 reasonable efforts or otherwise makes a determination  
17 that reasonable efforts are not required, reasonable  
18 efforts shall be made to make it possible for the child  
19 to safely return to the family's home.>

20 2. Page 2, after line 4 by inserting:

21 <Sec. \_\_\_\_\_. SIBLING INTERACTION WITH CHILDREN IN  
22 COURT-ORDERED PLACEMENTS — REPORT. The department  
23 of human services shall report on or before May 1,  
24 2013, to the governor and general assembly providing  
25 information regarding the status of the efforts  
26 made by the department and others involved with the  
27 child welfare system to comply with the requirements  
28 of section 232.108 regarding sibling placements  
29 and visitation, or other ongoing interaction. The  
30 information shall address recent efforts and efforts  
31 made during previous fiscal years.>

32 3. By renumbering as necessary.

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COMMITTEE ON HUMAN RESOURCES  
L. MILLER of Scott, Chairperson